

**Constitution of State Security
Commission.**

Government of Maharashtra,
Home Department,
Mantralaya, Mumbai 400 032.
Government Resolution No. NPC 1008/2/CR-6/POL-3,
Dated the 14th April, 2010

READ :

- (1) Judgment dated 22.-9.2006 of the Supreme Court of India in Writ Petition (Civil) No. 310/1996 in Prakash Singh and Others Vs. Union of India and Others.
- (2) Government Resolution No. NPC 1008/2/CR-6/POL-3 dated 25/07/2008.
- (3) Government Resolution No. NPC 1008/2/CR-6/POL-3 dated 31/8/2009.

BACKGROUND :

The Government of India had appointed a National Police Commission (NPC) for fresh examination of the role and performance of police, both as a law enforcing agency and as an institution to protect the rights of citizens enshrined in the Constitution of India. The NPC, after examining all the issues in depth, submitted various reports and the final report in 1981. Prakash Singh and Others had filed Writ Petition (Civil) No. 310 of 1996 against Union of India and Others under Article 32 of the Constitution of India for direction to implement the report of the NPC and to frame a new Police Act in order to ensure that police is accountable essentially and preliminarily to the law of the land and the people.

The Hon'ble Supreme Court of India, while deciding the said Writ Petition by its judgment dated 22.9.2006, has held that it is essential to lay down guidelines to be operative till the new legislation is enacted by State Governments. The Hon'ble Supreme Court of India has issued directions under Article 32 read with Article 142 of the Constitution of India for Constitution of State Security Commission as per one of the models suggested and with appropriate functions.

ROTA(H-0439 (200-04-010)1

Pursuant to the judgment of the Supreme Court in Prakash Singh (2006) and SCC1, the Government of Maharashtra issued Government Resolution referred to at Sr. No. (2) above, on 25/07/2008. After due reconsideration of the directions of the Supreme Court and in supersession of Government Resolution dated 25/07/2008 and 31/08/2009 referred to the above, the Government of Maharashtra issues following resolution

RESOLUTION :

(A) CONSTITUTION OF COMMITTEE

- | | | |
|----|-------------------------------------------------------------|--------------------------|
| 1. | Minister in Charge of Home Department | - Ex-Officio Chairperson |
| 2. | Leader of Opposition of - State Legislative Assembly | - Member; |
| 3. | Chief Secretary | - Member; |
| 4. | Additional Chief Secretary, Home Department - | - Member; |
| 5. | Five Non-official members (two of which preferably a woman) | - Member; |
| 6. | Director General of Police | - Member secretary. |

(B) No person shall be appointed as non-official members if he/she-

- (i) is not a citizen of India; or
- (ii) has been convicted by any criminal offence by a Court of law or against whom criminal charges have been framed in a court of law; or
- (iii) has been dismissed or removed from Government service; Semi-Government or Private service or compulsorily retired on the grounds of corruption or inefficiency or moral turpitude or any kind of misconduct or;
- (iv) has been debarred from holding any public office or from contesting any election; or
- (v) holds or has held elected political office, including that of member of Parliament or State Legislature or a local body,

or is or was an office bearer of any political party or any organization connected with a political party or
 (vi) is of unsound mind.

(C) While selecting non-official members, care may be taken to ensure that representation be given to all sections of society.

As far as possible two members should be women.

While selecting the members they may be broadly selected from the following disciplines.

- (a) Academician, Liberal Arts, Person in Communication and Media.
- (b) Person in Science and Technology specially in the field of I.T., surveillance or security related technology.
- (c) Person of eminence in the legal field.
- (d) Corporates.
- (e) NGO working in the field of Women, Women and Child Development, Tribal Development and Rural Area Development, Urban Development.

(D) Non-official member appointed may be removed on any of the following grounds :

- (i) proven incompetence;
- (ii) proven misbehavior or misuse or abuse of powers vested to him;
- (iii) failure to attend three consecutive meetings of the State Security Commission without sufficient cause;
- (iv) incapacitation by reasons of physical or mental infirmity;
- (v) otherwise becoming unable to discharge his functions as a member;
- (vi) conviction by a court of law in an offence punishable under clause XII, XVI or XVII of the Indian Penal Code, 1860

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or where charges have been framed against him by a court of law in moral turpitude.

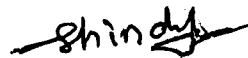
(E) The term of office of the non-official members shall be for a period not exceeding two years. The other terms and conditions of such members shall be such as may be prescribed.

(F) The State Security Commission shall exercise powers and perform functions as follows :

- (i) To lay down the broad policies;
- (ii) Giving directions for the performance of the preventive tasks, service oriented functions of the police;
- (iii) Evaluation of the performance of the State Police;
- (iv) Preparing a report thereon for being placed before the State Legislature;

This Government Resolution is available on the website of the Government of Maharashtra (www.maharashtra.gov.in) and its computer code is 20100415185802001.

By order and in the name of the
Governor of Maharashtra,



(N.M. Shinde)

Deputy Secretary to Government of Maharashtra.

Copy to :

P.A. to the Hon. Chief Minister;
P.A. to the Hon. Dy. Chief Minister;
P.A. to the Hon. Home Minister;
P.A. to the Chief Secretary;
P.A. to the Addl. Chief Secretary (Home);
P A to the Leader of Opposition, State Legislative Assembly;
The Director General of Police;
All Joint Secretaries/Deputy Secretaries, Home Department.

H-0439-225